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LETTER DATED 17 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF THE SUDAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Please find, enclosed herewith, an article published in The New York Times on 9 February 1999 entitled "Experts Find No Arms Chemicals at Bombed Sudan Plant" (see annex).

The article stated that American chemists, hired by the owner of the plant, examined soil, sludge and debris samples from the Al Shifa pharmaceutical factory destroyed in August by American cruise missiles, and found no traces of chemical weapon compounds.

According to the paper, the findings raise new questions about the allegations by American officials that samples obtained from the soil of the factory contained traces of Empta.

The paper also stated that at the heart of the new evidence are 13 carefully catalogued samples taken from the wrecked plant and its grounds late in October 1998. The sampling project was designed and supervised by Professor Thomas D. Tullius, Chairman of the chemistry department at Boston University. Professor Tullius said in an interview that "The point of what we did was to carefully and scientifically collect samples from a variety of locations and have them analysed by one of the top laboratories in the world for this kind of work. What they found was that in those samples, to the practical limits of scientific detection, there was no Empta or Empa, its breakdown product".

The article also indicated that the laboratory analysis found that none of the samples contained detectable levels of Empta, nor did they find Empa, the subsidiary compound into which Empta rapidly breaks down. Empta, Professor Tullius said, breaks down within days, but Empa remains in the soil, and even in small quantities would be detectable for weeks or months after contact with the ground. In addition to the evaluation of the new soil samples, an international security company, Kroll Associates, was hired by Mr. Idris' lawyers to conduct a detailed review of the Al Shifa controversy. In their report, made available to The New York Times, Kroll Associates found no evidence of a direct link between Mr. Idris, the owner of the factory, and Osama bin Laden.

In interviews with western consultants to the factory, employees and others, the American Kroll investigators said they had found no evidence that the plant had been heavily guarded or that there had been secret areas in the factory off-limits to outsiders, where chemical weapons might have been produced or stored. The report concluded that the plant produced only veterinary medicines and pharmaceuticals for human consumption. While Al Shifa did export to Iraq, Kroll found no evidence of a chemical weapons link to Baghdad.

The enclosed article commenting on the findings of the American scientists who have examined the said factory last October is additional conclusive proof refuting the allegations by the American administration about a small and simple pharmaceutical factory designed to produce life-saving drugs badly needed for the population of a third world country.

I would be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Elfatih ERWA
Permanent Representative

Experts Find No Arms Chemicals at Bombed Sudan Plant

By JAMES RISEN
and DAVID JOHNSTON

WASHINGTON, Feb. 8 — Chemists who examined soil, sludge and debris samples from a Sudanese pharmaceutical plant destroyed in August by American cruise missiles found no traces of chemical weapon compounds, according to a scientist hired by the owner of the plant.

The findings, although prepared privately for lawyers for the owner, who is now seeking redress from the United States, raise new questions about the Government's reliance on tests of soil samples from the site obtained clandestinely by the Central Intelligence Agency. The American officials had said the samples contained traces of Empta, a precursor used in the production of deadly VX nerve gas.

The United States attacked Al Shifa pharmaceutical plant in Khartoum and suspected terrorist training camps near Khost, Afghanistan, on Aug. 20 in an effort to curb the activities of the Saudi exile Osama bin Laden after the bombings of two American embassies in East Africa. American officials have said that the bin Laden terrorist network was behind the bombings of the diplomatic missions in Kenya and Tanzania. Mr. bin Laden has denied any role in the bombing.

At the heart of the new evidence are 13 carefully catalogued samples taken from the wrecked plant and its grounds late in October. The sampling project was designed and supervised by Prof. Thomas D. Tullius, chairman of the chemistry department at Boston University.

"The point of what we did was to carefully and scientifically collect samples from a variety of locations and have them analyzed by one of the top laboratories in the world for this kind of work," Professor Tullius said in an interview. "What they found was that in those samples, to the practical limits of scientific detection, there was no Empta or Empa, its breakdown product."

In response to the new findings, Clinton Administration officials said they stood by their decision to strike the plant. The officials dismissed the findings of chemists working on behalf of the plant's owner, Salih Idris, noting that their soil samples were taken long after the United States obtained its soil from the site and long after the bombing and rains could have dispersed incriminating evidence.

Moreover, while they acknowledged that they did not know that Mr. Idris owned the plant at the time of the attack, other American officials say they now have strong evidence linking him to Mr. bin Laden.

Scientists hired by the factory's owner issue their report.

"We stand by our evidence indicating the presence of a chemical weapons precursor at this plant," said P. J. Crowley, a spokesman for the National Security Council at the White House. "We stand by our evidence linking this plant to Osama bin Laden's network. We continue to believe that this was an appropriate action to pre-empt Osama bin Laden from further attacks against the United States."

Several ground locations at the plant were surveyed, along with interior sites in the plant that were covered by debris and partly protected from rain. One location, a septic tank, was found intact and provided what Professor Tullius said was a historical record of the chemicals flushed through the plant drains.

The lab analysis found that none of the samples contained detectable levels of Empta, nor did they find Empa, the subsidiary compound into which Empta rapidly breaks down. Empta, Professor Tullius said, breaks down within days, but Empa remains in the soil, and even in small quantities would be detectable for weeks or months after contact with the ground.

In addition to the evaluation of the new soil samples, an international security company, Kroll Associates, was hired by Mr. Idris's lawyers to conduct a detailed review of the Shifa controversy. In their report, made available to The New York Times, Kroll Associates found no evidence of a direct link between Mr. Idris and Mr. bin Laden.

The scientists and investigators were hired by the law firm of Akin, Gump, Strauss, Hauer & Feld, which represents Mr. Idris, a Sudanese-born Saudi businessman. The law firm has a long-held reputation of influence in Democratic circles with partners like Robert Strauss, the former Democratic Party chairman, and Vernon E. Jordan Jr., a close friend of President Clinton.

But its credentials have not benefited Mr. Idris. The firm's lawyers have been flatly rebuffed in their efforts to present their findings to the White House, National Security Council or the Justice, Treasury and Defense Departments.

"We've been confronted with the problem of proving a series of negatives that there was no Empta at the plant and that Idris was not a terrorist," said Mark J. MacDougall, a partner at the law firm. "We think we've done that with evidence that can be admitted in court. But to date responsible officials, including at the White House, have flatly refused to look at the facts. We're sorry about that."

The lawyers have not yet decided whether they will sue the Government, in what would probably be complex litigation with an uncertain outcome. But nevertheless, Mr. MacDougall said Mr. Idris wanted to clear his name and unfreeze millions of dollars in bank accounts at the Bank of America that the Treasury Department's office of foreign assets control that were blocked after the Shifa attack. In addition, Mr. Idris is seeking millions of dollars to replace the plant.

In interviews with Western consultants to the factory, employees and others, the Kroll investigators said they had found no evidence that the plant had been heavily guarded or that there had been secret areas in the factory off-limits to outsiders, where chemical weapons might have been produced or stored. The report concluded that the plant produced only veterinary medicines and pharmaceuticals for human consumption. While Al Shifa did export to Iraq, Kroll found no evidence of a chemical weapons link to Baghdad.

But the Kroll investigation did provide new details about Mr. Idris and confirmed his commercial links to Sudan's Military Industrial Corporation, the Government entity that produces weapons for the Sudanese Army. The United States charged that the corporation was also responsible for chemical weapons production in the country, and that Mr. bin Laden had provided financing for the agency.

The Kroll report determined that Mr. Idris did have links to the corporation, through his other business interests in Sudan, but not through Al Shifa. Kroll investigators said the corporation was a powerful military-based organization that reaches into many parts of the Sudanese economy, including Mr. Idris's business empire.

Annex

Article published in The New York Times on 9 February 1999